

PATENT APPLICATION
Attorney's Do. No. 1941-70

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul J. BRUINSMA; Suresh BASKARAN; and
Jagannadha R. BONTHA and Jun LIU

Serial No. 09/481,988

Examiner: P. Marcantoni

Filed: January 11, 2000

Group Art Unit: 1755

Original Patent No. 5,922,299

Original Patent Issue Date: July 13, 1999

For: MESOPOROUS-SILICA FILMS, FIBERS, AND POWDERS BY EVAPORATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed October 6, 2003 finally rejecting claims 188 and 189. The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

other than a small entity
 small entity. Verified statement attached already filed on August 26, 1997.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$160.00
<input type="checkbox"/>	other than a small entity	\$320.00

Notice of Appeal fee due **\$160.00**

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of #1.136 for patent applications 37 CFR 1.191(d). But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) Applicant petitions for an extension of time under 37 CFR 1.17 (a)-(d) for the total number of months checked below:

Extension Fee:

<u>Months</u>	<u>Small Entity</u>	<u>Other Than Small Entity</u>
<input type="checkbox"/> one month	\$ 55.00	\$ 110.00
<input type="checkbox"/> two months	\$190.00	\$ 380.00
<input type="checkbox"/> three months	\$435.00	\$ 870.00
<input type="checkbox"/> four months	\$680.00	\$1,360.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request **\$ 160.00**

or

- (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is : \$160.00

Notice of Appeal fee \$160.00

Extension fee (if any) \$ _____

TOTAL FEE DUE **\$ 160.00**

5. FEE PAYMENT

- PTO Form 2038 authorizing credit card payment for the above-listed fee is enclosed.
- Any deficiency or overpayment for extensions of time or claims should be charged or credited to deposit account number 13-1703. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
Trademark Office via facsimile number
(703) 305-0942, on December 5, 2003.

Signature:

Judy Wigmore
Judy Wigmore